

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GORDON M. KENNY and JAMIE J.
KENNY, husband and wife and the marital
community composed thereof, and as the
natural parents and legal guardians of T.
M. L. K., a minor,

Plaintiffs,

vs.

TENINO SCHOOL DISTRICT NO. 402,
d/b/a TENINO MIDDLE SCHOOL; RANDY
KRAMER and KEVIN KEIR,

Defendants.

NO. C06-05320-RBL

ORDER APPROVING MINOR
SETTLEMENT

THIS MATTER having come on regularly before the undersigned Judge of the
above-entitled Court upon the motion of plaintiffs for an order approving the settlement
involving the minor herein, and the Court having considered the files and records
contained herein, including the Report of the Settlement Guardian ad Litem James R.
Cushing, filed with the Court under seal, and the Court being fully advised in the
premises, now, therefore, it is

1 ORDERED, ADJUDGED AND DECREED that the proposed settlement of the
2 plaintiffs' claims be and the same hereby is approved; it is further

3 ORDERED, ADJUDGED AND DECREED that the net sum to the minor herein in
4 the amount of Twenty-Thousand and no/100ths (\$20,000.00) Dollars shall be paid to or
5 for the benefit of the minor with future periodic payments on the dates and in the
6 amounts indicated hereafter:

7 Payee: T.M.L.K. (a minor)

8 On 10/6/2013, a lump sum of \$12,000

9 On 10/6/2014, a lump sum of \$15,040

10 Any payments to be made after the death of the Payee shall be made to the
11 Estate of Payee. After the age of majority, Payee may submit a change of beneficiary,
12 in writing, to Assignee. No such designation, or any revocation thereof, shall be
13 effective unless it is in writing and delivered to Assignee. The designation must be in a
14 form acceptable to Assignee. The designation approved by the Court at this time is the
15 Estate of T.M.L.K., a minor.
16

17 The obligation to make periodic payments described herein will be assigned to
18 Prudential Assigned Settlement Services Corporation ("Assignee") and funded by an
19 annuity contract issued by The Prudential Insurance Company of America ("Annuity
20 Issuer"), rated A+ (Superior) by A.M. Best Company. All parties shall cooperate fully
21 and execute any and all supplementary documents, including a Qualified Assignment in
22 compliance with IRC 104 (a)(2) and Section 130 of the Internal Revenue Code of 1986,
23 as amended; it is further

24 ORDERED, ADJUDGED AND DECREED that the parents of the minor, Gordon
25 and Jamie Kenny be and they hereby are authorized individually and/or jointly to

1 execute any necessary settlement documents on behalf of the minor; it is further

2 ORDERED, ADJUDGED AND DECREED that the guardian ad litem fee of
3 \$1,400.00 shall be paid 50% by the Tenino School District and/or its insurer and 50% by
4 counsel representing plaintiffs; and it is further

5 ORDERED, ADJUDGED AND DECREED that the settlement guardian ad litem
6 herein, James Cushing, be and he hereby is discharged as settlement guardian ad litem
7 for the minor herein; it is further

8 ORDERED, ADJUDGED AND DECREED that the parties hereto shall cause to
9 be filed with the Court upon the completion of the settlement approved herein, a
10 Stipulation and Order of Dismissal, with prejudice of all claims.
11

12 DATED: _____

13
14 _____
15 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

16 Presented by:
17 RUSH, HANNULA, HARKINS & KYLER, L.L.P.
18 By: Daniel R. Kyler, WSBA# 12905
Attorney for Plaintiffs
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21 Approved as to Form, Notice of
Presentment waived:
22 By: Diana V. Blakney
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